

(PRE-FILED)

By: **Delegate Hubbard**

Requested: August 25, 2003

Introduced and read first time: January 14, 2004

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Polybrominated Diphenyl Ether - Prohibition**

3 FOR the purpose of prohibiting a person, on or after a certain date, from
4 manufacturing, processing, or distributing a product or certain part of a product
5 that contains more than a certain amount of polybrominated diphenyl ether;
6 providing for the application of this Act; defining certain terms; and generally
7 relating to the prohibition of polybrominated diphenyl ether.

8 BY adding to
9 Article - Environment
10 Section 6-1201 and 6-1202 to be under the new subtitle "Subtitle 12.
11 Polybrominated Diphenyl Ether"
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 2003 Supplement)

14 Preamble

15 WHEREAS, Chemicals known as brominated flame retardants (BFRs) are
16 widely used in the State. To meet stringent fire standards, manufacturers add BFRs
17 to a multitude of products, including plastic housing of electronics and computers,
18 circuit boards, and the foam and textiles used in furniture; and

19 WHEREAS, Polybrominated diphenyl ether (PBDE), which is a subcategory of
20 BFRs, has increased fortyfold in human breast milk since the 1970s; and

21 WHEREAS, PBDE has the potential to disrupt thyroid hormone balance and
22 contribute to a variety of developmental deficits, including low intelligence and
23 learning disabilities. PBDE may also have the potential to cause cancer; and

24 WHEREAS, Substantial efforts to eliminate BFRs from products have been
25 made throughout the world, including both the private and public sectors. These
26 efforts have made numerous alternatives available that are safe to human health
27 while meeting stringent fire standards. To meet market demand, it is in the interest
28 of Maryland manufacturers to eliminate the use of BFRs; and

1 WHEREAS, In order to protect the public health and environment, the General
2 Assembly believes it is necessary for the State to develop a precautionary approach
3 regarding the production, use, storage, and disposal of products containing BFRs;
4 now, therefore,

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article - Environment**

8 SUBTITLE 12. POLYBROMINATED DIPHENYL ETHER.

9 6-1201.

10 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (B) "OCTABDE" MEANS OCTABROMINATED DIPHENYL ETHER.

13 (C) "PBDE" MEANS POLYBROMINATED DIPHENYL ETHER.

14 (D) "PENTABDE" MEANS PENTABROMINATED DIPHENYL ETHER.

15 6-1202.

16 (A) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, ON OR AFTER
17 OCTOBER 1, 2008, A PERSON MAY NOT MANUFACTURE, PROCESS, OR DISTRIBUTE IN
18 THE STATE A PRODUCT OR A FLAME-RETARDANT PART OF A PRODUCT THAT
19 CONTAINS MORE THAN ONE-TENTH OF 1% OF PENTABDE OR OCTABDE BY MASS.

20 (B) THIS SECTION DOES NOT APPLY TO THE PROCESSING OF METALLIC
21 RECYCLABLES CONTAINING PENTABDE OR OCTABDE THAT IS CONDUCTED IN
22 COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2004.